

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**TOMMY L. FENLEY, WILLIAM PEVETO, :
BROCKROBERT TAGAROOK and LEWIS :
WHITMIRE, individually and on behalf of all :
persons similarly situated, :**

Plaintiffs, :

v. :

WOOD GROUP MUSTANG, INC., :

Defendant. :

CASE NO. 2:15-cv-326

COLLECTIVE & CLASS ACTION

DISTRICT JUDGE GEORGE C. SMITH

MAGISTRATE JUDGE

KIMBERLY A. JOLSON

**PLAINTIFFS' UNOPPOSED MOTION FOR
FINAL APPROVAL OF THE SETTLEMENT AGREEMENT
AND APPROVAL OF ATTORNEYS' FEES AND COSTS**

Plaintiffs Tommy L. Fenley, William Peveto, Brockrobert Tagarook, and Lewis Whitmire (“Plaintiffs”), through their undersigned counsel, respectfully move this Court for an Order:

1. Granting final approval of the Parties' Settlement Agreement as fair, reasonable, and adequate pursuant to FED. R. CIV. P. 23(e), and a fair and reasonable resolution of a *bona fide* dispute under the Fair Labor Standards Act;

2. Finally certifying the following Settlement Class pursuant to Fed. R. Civ. P. 23 and 29 U.S.C. § 216(b) for the purposes of settlement: All Plaintiffs, Opt-In Plaintiffs, and the certified State Law Classes¹;

¹ The State Law Classes means the group certified by the Court pursuant to Fed. R. Civ. P. 23 on March 30, 2018 (Dkt. No. 126), which includes all current and former employees of Wood Group Mustang, Inc. who were classified with the pay code “DAY – Non Exempt Day Rate,” and who worked in WGM’s Pipeline Services Inspection Department as an inspector (or an equivalent position) in Ohio, Pennsylvania, and/or Illinois in any workweek during applicable Class Periods.

3. Approving Plaintiffs Tommy L. Fenley, William Peveto, Brockrobert Tagarook, and Lewis Whitmire as the Representatives of the Settlement Class;
4. Approving Berger Montague PC as Class Counsel for the Settlement Class;
5. Approving attorneys' fees in the amount of one-third (1/3) of the Gross Settlement Amount (*i.e.*, \$2,083,333.33) and costs and expenses not to exceed \$195,000.00;
6. Approving RG2 Claims Administration LLC as Settlement Administrator and approving the costs of claims administration not to exceed \$23,000;
7. Finding that dissemination of the Settlement Notice was accomplished as directed and met the requirements of due process;
8. Directing the settlement funds be distributed in accordance with the terms of this Settlement Agreement; and
9. Entering final judgment in this case and dismissing it with prejudice in accordance with the terms of the Settlement Agreement.

This Motion is based on the accompanying Memorandum of Law, the Declarations of Sarah R. Schalman-Bergen, Drew Legando, Tina M. Chiango, Tommy L. Fenley, William Peveto, Brockrobert Tagarook, and Lewis Whitmire, and all other records, pleadings, and papers on file in this action. Pursuant to the terms of the Settlement Agreement, Defendant does not oppose this Motion.

A proposed Order is submitted for the Court's consideration.

Dated: July 2, 2019

Respectfully submitted,

/s/ Sarah R. Schalman-Bergen

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Sarah R. Schalman-Bergen

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Attorneys for Plaintiffs and the Class

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served upon all counsel of record through the Court's ECF system this 2nd day of July, 2019.

s/ Sarah R. Schalman-Bergen
Sarah R. Schalman-Bergen